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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,212	01/19/1999	JEFFREY ALLEN JONES	AT9-98-567	2081

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EXAMINER
WON, YOUNG N

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/232,212	JONES ET AL.	
	Examiner	Art Unit	
	Young N Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 January 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *13* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. Amended claims 1 and 13 and new claims 21-25 has been examined.

2. All remaining claims have been re-examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turek et al. (US 6021439 A) in view of Rowley (US 5999740 A).

Independent:

As per claims 1, 2, 4, 7, 10, 13, 15, 16, and 21, Turek teaches a method of communication and a computer program product in a computer-readable medium for providing control over information transmitted over the Internet in which data (see col.1,

line 8: "QoS data") is transmitted over Internet connections from an Internet processor to Internet server or between an Internet processor and an Internet server over the Internet (see title; Fig.4; col.1, lines 6-9; and col.4, lines 28-37), the improvement of displaying a message to the user of said Internet processor, before any data is transmitted from the Internet processor over said Internet connection to an Internet server, a message, identifying at least one information element within the information, including an indication of the information or first information about to be transmitted from the Internet processor (see col.5, lines 36-42, 46-52, & 56-60; col.8, lines 5-10; and col.9, lines 57-61).

Although Turek does not teach about a cancel control for canceling the transmission, and allowing said user to cancel the transmission by selecting the cancel control (see col.6, line 66 to col.7, line 1), he does not explicitly teach of such a control included in a message. Rowley teaches about a cancel control for canceling the transmission, and allowing said user to cancel the transmission by selecting the cancel control included in the message (see col.5, lines 59-61). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Rowley within the system of Turek, by implementing a cancel button included in a message within the Internet communication method, because this immediately notifies the user that he/she has an option to cancel and the user has direct control for canceling the transmission.

Turek does not teach that the message includes an indication of an Internet address of the Internet server where the information is to be transferred. Rowley

teaches that the message includes an indication of an Internet address of the Internet server where the information is to be transferred (see Fig.7 and col.4, lines 40-45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Rowley within the system of Turek, by implementing an Internet server address in the message within an Internet communication method, because this notifies the user what server at what location will be receiving the information. Turek also teaches that a user is notified by the display that a given web page (address) is Qos enabled and thereby will collect QoS statistic (see col.2, lines 18-22). Thus, one of ordinary skill in the art could simply perform the notifying within a message.

Dependent:

As per claims 3, 6, 9, 12, 14, 20, and 22, Turek does not teach wherein said message further includes a selection control or a second selection control for selecting each information element to be transmitted. Rowley teaches wherein said message further includes a plurality of selection control for selecting each information element to be transmitted (see Fig.9 and col.5, lines 35-53). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Rowley within the system of Turek, by implementing a selection control in the message within an Internet communication method, because this immediately notifies the user of additional option and controls that he/she can implement and allows the user to select the options according to his/her preference.

As per claims 5, 8, 11,and 19, Turek further teaches wherein the message further includes an indication of at least a first information item and a second item to be transmitted (see col.2, lines 38-41). **Note**: Labeling the information item with "first" does not make the claim patentable nor does it further limit, unless it is distinctly described to separate itself from other information item.

As per claims 17 and 23, Turek does not teach wherein the first selection or each selection is selected by default. Rowley teaches wherein the first selection or each selection is selected by default (see col.5, lines 54-57). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Rowley within the system of Turek, by implementing a default first selection in the message within an Internet communication method, because this enables the required information to be transmitted without the user having to select them, but rather giving the user only an option to cancel them.

As per claims 18, 24, and 25, Turek does not teach of further comprising removing or blocking the first information item from the transmission before the information is transmitted responsive to deselection of the first selection control. Rowley teaches of removing or blocking the first information item from the transmission before the information is transmitted responsive to deselection of the first selection control (see Fig.9). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teaching of Rowley within the system of Turek, by removing selected item upon deselection from the selection control within an Internet communication method, because such limitation is well known in user defining

options in all software applications and visibly notifies the user that a particular selection has been deselected.

Response to Remarks

4. Applicant's arguments with respect to Heath et al. (US 6006034 A) have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

In conclusion, the combination of Turek and Rowley teach all the limitations claimed in the present application. It would be in the best interest of the applicant to amend the claims to clearly and distinctly claim the invention in overcoming prior art. It is the duty of the examiner in protecting the interest of the public to view and access the claims as broadly as it is written. Such terminology as "Internet processor" and "Internet server" does not limit the claims. If an "Internet server" exists, one of ordinary skill in the art would know that and "Internet processor" could reside within the server as well as outside since all servers are functional via a processor. Also, the direction of the communication is irrelevant if there is not a patentably functional difference in prior art. The claims could have been rejected if there existed a reference where the server sent

the data to the client as long as the functional limitations were met. It would be proper to amend the claims by further limiting such factors as: where the "displaying to user" is originating from, such as within the client system rather than sent via a server; what the "information to be transmitted" entails because any line of data can be an information; and such factors as is the "canceling the transmission" occurring in real-time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Young N Won

February 13, 2003

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100